

**IN THE DRAWINGS:**

*Please amend Figure 3 as per the attached "Replacement Sheet".*

### **REMARKS**

In response to the Official Action of March 7, 2007, a "Replacement Sheet" for Figure 3 is enclosed herewith in response to the objection to the drawings set forth at paragraph 1.

Furthermore, claims 1, 2, 4-12 and 15-30 have been amended. Claims 3, 13 and 14 have been canceled and claims 31-37 are newly submitted. Support for amendment of the claims is found in the originally submitted claims, including the canceled claims, as well as in the original specification and drawings, including Figures 1-5 and the accompanying description thereof at page 20, line 29 through page 25, line 13. No new matter is submitted.

Newly submitted claims 31 and 32 are respectively directed to a first communication unit and a third communication unit having features similar to claim 1 and are therefore supported by the specification and drawings in support of claim 1.

Newly submitted claims 33-35 are respectively directed to a system, a first communication unit and a third communication unit having features similar to claim 12 and are therefore supported by the specification and drawings in support of claim 12.

Newly submitted claims 36 and 37 are respectively directed to a first communication unit and a third communication unit having features similar to claim 26 and are therefore supported by the specification and drawings in support of claim 26.

### **Drawings**

At paragraph 1, the drawings are objected to for not showing every feature of the invention specified in the claims with specific reference to the phrase "higher-delay network is at least partially based on the Internet Protocol (IP) or a satellite connection" forming part of claim 19.

It is respectfully submitted that reference number 21 in Figure 3 shows representation of an Internet Protocol base connection and therefore there is believed to be support for this portion of claim 19.

With respect to the phrase "satellite connection", Figure 3 is amended to incorporate satellite connection along with the Internet Protocol as shown in the Replacement Sheet. It is submitted that this amendment of Figure 3 is supported by the original specification, in particular, original claim 19 as submitted.

Furthermore, the specification has been amended with respect to the description concerning Figure 3 and its operation.

#### **Claim Objections**

Claims 7 and 22 are objected to regarding antecedent basis for terms used therein. Please note that claim 7 does not recite Radio Link Protocol but rather recites automatic repeat request. Amendment of said claims overcomes said objection.

#### **Claim Rejections - 35 USC §112**

Claims 10, 11 and 28 are rejected under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The specific phrases for which insufficient antecedent basis is enumerated have been corrected in amended claim 10, 11 and 28.

With respect to claim 10, the dependency of this claim has been amended and therefore sufficient antecedent basis is found for the phrase "said checking...". This change in dependency also affects claim 11.

With respect to claim 28, claim 1 has been amended in order to provide sufficient antecedent basis for the objected to phrase.

#### **Claim Rejections - 35 USC §101**

Claim 28 is rejected under 35 USC §101 as directed to non-statutory subject matter. Claim 28 has been amended to recite a computer program product comprising software code portions that are directly loadable into a computer readable memory, wherein the software code portions when run on a computer perform the actions recited in claim 1. As such, claim 28 is believed to recite statutory subject matter.

**Claim Rejections - 35 USC §102**

Claims 1, 2, 5-7, 12, 13, 16, 21, 26, 29 and 30 are rejected under 35 USC §102(b) in view of WO 01/65881 (hereinafter WO '881). It is asserted with respect to claim 1 that WO '881 discloses all of the actions recited therein. Claim 1 has been amended to incorporate features recited in claim 2 and features partially recited in claim 3.

In particular, claim 1 has been amended to recite the action of starting said exchange of said at least one negotiation message by transmitting, from a protocol entity of the first communication unit, a negotiation message containing a value for said parameter to a protocol entity of said third communication unit of said second type. This corresponds to a feature partially recited in originally submitted claim 3 and is believed to make claim 1 allowable in part in view of the fact that claim 3 is indicated as being allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Claim 1 is believed to be not anticipated by WO '881 which is in fact related to a parameter negotiation in a handover of a mobile station from a packet-switched UMTS-MSC to a circuit-switched GSM MSC. As described in WO '881, the GSM (target) side bearer is set up in a UMTS to GSM handover based on employment of a default set of parameters. The mobile station is then allowed to modify these parameters within a negotiation procedure, which is initiated by the GSM-MSC after the handover. The default parameters can be obtained based on mapping from the UMTS side bearer quality of service. The default set of parameters specifies, for instance, the number of traffic channels which can be calculated from the UMTS bit-rate (see WO '881 at page 12, second paragraph and Figure 3).

As amended, claim 1 recites features which are not disclosed in WO '881 and therefore claim 1 is believed to be not anticipated by WO '881.

Computer program product claim 28, system claim 29, newly submitted first communication unit claim 31 and newly submitted third communication claim 32 are similarly believed to be not anticipated by WO '881 since these claims incorporate features corresponding to amended claim 1.

Since amended claim 1 is believed to be not anticipated by WO '881, it is further respectfully submitted that claims 2 and 4-11, which ultimately depend from amended

claim 1, are further not anticipated by WO '881 due to their dependency from amended claim 1.

Furthermore, claim 12 has been amended so as to be in independent form and as such, incorporates features of original claims 1, 12, 13 and 14. Claim 12 as amended is believed to be not anticipated by WO '881 nor obvious in view of WO '881, further in view of WO 02/25888 (hereinafter WO '888) as recited with respect to claim 14.

Thus, the rejection of claim 14 is argued with respect to amended claim 12. Claim 14 is rejected under 35 USC §103(a) as unpatentable in view of WO '881 further in view of WO '888. In particular in WO '888 at page 5, second paragraph through page 6, first paragraph, it is clear that this disclosure is neither related to parameter re-negotiation nor to handover. WO '888 may only be considered to show a person of ordinary skill in the art that it is advantageous to have when there is a situation with unexpectedly large delays occurring - as for instance in an IP-based office environment - an XID proxy having knowledge of the maximum delay values for the physical link between the MS and the MSC in order to be able to intervene in the process of negotiation of T1 timer values between the MS and the MSC so that it is insured that the negotiated value is large enough to cope with the transmission delays that the MS and MSC are not aware of.

Thus, even if WO '881 is considered to disclose the features recited in original claims 1, 12 and 13, that is that in a case a change of association of the first communication unit with the second communication unit of a first type to a second communication unit of a second type occurs, a negotiation message with a value for a parameter is transmitted from the third communication unit associated with the communication unit of the second type to the first communication unit, it is not obvious to a person of ordinary skill in the art that this parameter depends on a transmission characteristic of a medium between the second communication unit of the second type and its associated third communication unit, and that the third communication unit can determine values for said parameter for each of the second communication units it can be associated with.

Firstly, since WO '888 is neither related to handover nor to parameter re-negotiation, it is not obvious to a person of ordinary skill in the art to choose timer T1 of

WO '888 as a candidate parameter for re-negotiation according to WO '881. Secondly, the disclosure in WO '888 teaches that only the XID proxy, and not the MSC (the third communication unit) is aware of the transmission characteristics. This would inhibit a person of ordinary skill in the art from combining the teachings of WO '881 and WO '888 to arrive at the combined subject matter of originally submitted claims 1, 12, 13 and 14 since according to WO '881, the MSC transmits the negotiation message with a value for the parameter related to the transmission characteristics of the MS, and thus would have to be aware of these transmission characteristics.

Consequently, trying to combine the WO '881 and WO '888 to arrive that the combined features of claims 1, 12, 13 and 14 as set forth in amended claim 12 herein, cannot be reasonably determined without the benefit of hindsight. It is therefore respectfully submitted that claim 12, as amended, is not obvious in view of WO '881 further in view of WO '888.

Since claim 12 is believed to be distinguished over the cited art, it is respectfully submitted that claims 15-25, which all ultimately depend from amended claim 12 are further distinguished over the cited art.

Newly submitted system claim 33, first communication claim 34 and third communication unit claim 35, are also believed to be distinguished over WO '881 in view of WO '888 for similar reasons presented above with respect to amended claim 12 in view of the fact that these claims incorporate features corresponding to amended claim 12.

Independent method claim 26 is also rejected as anticipated in view of WO '881. Reconsideration of this rejection is respectfully submitted for the reasons set forth below.

In particular, claim 26 requires that in the case of a change of association of a first communication unit with a second communication unit that is associated with a third communication unit of a first type to an association of the first communication with a second communication unit that is associated with a third communication unit of a second type, the protocol entities of the first communication unit and the third communication unit of the first type exchange at least one negotiation message. In one of the passages in WO '881 relied upon by the Office (page 13, lines 20-23), it is only disclosed that the MS

(the first communication unit) and the target (MSC) (the third communication unit of the second type) negotiate.

It is therefore respectfully submitted that WO '881 does not show that the protocol entities of the first communication unit and the third communication unit of the first type exchange at least one negotiation message as required by claim 26. It is therefore respectfully submitted that claim 26 is not anticipated by WO '881.

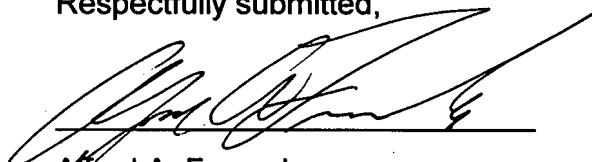
Amended claim 30 is directed to a system for data transmission between first communication units of said system and third communication units of said system via second communication units of said system and recites features similar to those set forth in amended claim 26. For similar reasons, claim 30 is believed to be not anticipated by WO '881.

Newly submitted first communication unit claim 36 and third communication unit claim 37 are similarly believed to be not anticipated by WO '881 since these claims incorporate features corresponding to amended claim 26.

It is further noted that claim 27 which depends from claim 26 is indicated as allowable.

In view of the foregoing, it is respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

Respectfully submitted,



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